

**75-7-105 Default and mandatory rules.**

- (1) Except as otherwise provided in the terms of the trust, this chapter governs the duties and powers of a trustee, relations among trustees, and the rights and interests of a beneficiary.
- (2) Except as specifically provided in this chapter, the terms of a trust prevail over any provision of this chapter except:
  - (a) the requirements for creating a trust;
  - (b) the duty of a trustee to act in good faith and in accordance with the purposes of the trust;
  - (c) the requirement that a trust and its terms be for the benefit of its beneficiaries;
  - (d) the power of the court to modify or terminate a trust under Sections 75-7-410 through 75-7-416;
  - (e) the effect of a spendthrift provision, Section 25-6-14, and the rights of certain creditors and assignees to reach a trust as provided in Part 5, Creditor's Claims - Spendthrift and Discretionary Trusts;
  - (f) the power of the court under Section 75-7-702 to require, dispense with, or modify or terminate a bond;
  - (g) the effect of an exculpatory term under Section 75-7-1008;
  - (h) the rights under Sections 75-7-1010 through 75-7-1013 of a person other than a trustee or beneficiary;
  - (i) periods of limitation for commencing a judicial proceeding; and
  - (j) the subject-matter jurisdiction of the court and venue for commencing a proceeding as provided in Sections 75-7-203 and 75-7-205.

Enacted by Chapter 89, 2004 General Session